



AT-IZW

In the United States Patent and Trademark Office

Appellants :	Irwin Jerrold Singer; Charles Edward Bolian II	Docket No.:	17037B
Serial No.:	09/954,807	Group:	1772
Confirmation No:	8210	Examiner:	Aughenbaugh, Walter B.
Filed:	September 12, 2001	Date:	October 25, 2004
For:	PROTECTIVE ELECTRET TREATED NONWOVEN WEB FOR SENSITIVE SURFACES		

Reply Brief Under 37 C.F.R. §41.41

Mail Stop Appeal Brief - Patents
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Examiner's Answer mailed August 25, 2004, Appellants submit the following remarks. This Reply Brief is submitted to correct an incorrect statement in the Examiner's Answer concerning matters of form and to reply briefly to certain of the Examiner's technical characterizations.

In the Examiner's Answer under point (2) it was stated that the Appellants' Brief did not contain a statement identifying related appeals or interferences which will affect or be affected by the pending appeal. However, Appellants' Brief on Appeal states, "There are no other appeals or interferences known to Appellants, their legal representatives or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision on this appeal." This statement appears at the bottom of the first page of Brief under the heading, "Related Appeals and Interferences".

Appellants' claims are directed to a sensitive surface protective material which comprises an electret treated spunbond nonwoven web comprising thermoplastic fibers, wherein the nonwoven web is bonded with a pattern having continuous bonded areas defining a plurality of discrete unbonded areas.

In the Examiner's Answer under point (11) (Response to Argument) the Examiner's position is stated to be that the web of Midkiff U.S. Pat. No. 5,667,562 (an electret through-air bonded vacuum cleaner filter medium) discloses the web structure required by the Appellants' claims because in Midkiff: (1) each fiber crossover point having a bond is a continuous bonded area, (2) - (3) unbonded fiber crossover points and fiber portions not a fiber crossover point are discrete unbonded areas, and (4) the bonded crossover points therefore define the discrete unbonded areas of Midkiff's web because the unbonded areas are all the areas of the web excepting the bonded fiber crossover points. The Examiner equates

bonded fiber crossover points to continuous bonded areas and justifies doing so by stating that each bonded fiber crossover point is continuous within itself, and states that the term bond "point" is not as good a characterization as bonded "areas" because bond points in a web cannot be one-dimensional points as indicated from the mathematical sense of the term "point".

Appellants submit the Examiner's characterization of the through-air bonding in Midkiff is strained and contrary to both the recognized art and to the Appellants' specification. As the type of bonding required by Appellants' claims is further described in the specification in the paragraph bridging pages 8 and 9, the fibers or filaments within the discrete unbonded areas are dimensionally stabilized by the continuous bonded areas that encircle, or surround each unbonded area. Two bond points along an unbonded line are not equivalent to a "continuous bonded area encircling or surrounding" an unbonded area. In addition, this phrase has an art-recognized meaning, since similar language appears in the claims of Stokes et al. U.S. Patent No. 5,858,515, which patent is incorporated by reference into the Appellants' specification. Furthermore, with respect to the Examiner's justification for equating a bond point to a continuous bonded area, despite the mathematical sense of the term "point", Appellants can only point out that the term "bond point" has a well-recognized meaning to one skilled in the art of nonwoven web materials.

For the reasons stated above and in Appellants' Appeal Brief it is Appellants' position that the Examiner's rejection of claims has been shown to be untenable and should be **reversed** by the Board.

Any prosecutorial fees which may be due may be charged to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 770-587-8908

Respectfully submitted,

IRWIN J. SINGER ET AL.

By: 

Robert A. Ambrose

Registration No.: 51,231

CERTIFICATE OF MAILING

I, Robert A. Ambrose, hereby certify that on October 25, 2004 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 

Robert A. Ambrose